

STANDING CHAPTER 13 TRUSTEE ALEJANDRO OLIVERAS RIVERA
REPORT OF ACTION TAKEN
MEETING OF CREDITORS

In re:

CAROLIN MENDEZ TORRES

Case No. 19-06683-EAG

Chapter 13

Attorney Name: NORBERTO COLON ALVARADO*

I. Appearances Debtor <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent Joint Debtor <input type="checkbox"/> Present <input type="checkbox"/> Absent Attorney for Debtor <input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent <input type="checkbox"/> Prose <input type="checkbox"/> Appearing:	Date & Time: 1/30/2020 1:10:00AM <input type="checkbox"/> R <input checked="" type="checkbox"/> NR LV: \$8,700 (PV: \$10,092) <input type="checkbox"/> This is debtor(s) 0 Bankruptcy filing. Creditors: <div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <u>Banco Popular de P.R. by Mrs. Doris Vilches</u> </div>
II. Oath Administered <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
III. Plan Date: 12/18/2019 Base: \$33,000.00 Payments 0 made out of 1 due. Confirmation Hearing Date: 3/25/2020 9:30:00AM Evidence of Pmt shown:	
Attorney's fees as per R. 2016(b) <div style="display: flex; align-items: center;"> \$4,000.00 - \$500.00 = \$3,500.00 </div>	
IV. Status of Meeting <input type="checkbox"/> Closed <input checked="" type="checkbox"/> Not Held <input type="checkbox"/> Held/Continued <input type="checkbox"/> Held/Not Closed <input type="checkbox"/> Continued Continued Date: Comments:	
<input type="checkbox"/> M.T.D. to be filed by Trustee: Debtor(s) failed to: <input type="checkbox"/> Appear: <input type="checkbox"/> Commence payments <input type="checkbox"/> Keep payments current <input type="checkbox"/> does (do) not qualify as a debtor (§109): <input type="checkbox"/> MTD Already filed, see Docket: <input type="checkbox"/> Other:	

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(Cont.)

Trustee's Report on Confirmation

☐ FAVORABLE

☐ UNFAVORABLE

- ☐ Feasibility
- ☐ Insufficiently funded
- ☐ Unfair discrimination
- ☐ Fails disposable income
- ☐ Fails liquidation value test
- ☐ Insuarence quote

- ☐ No provision for secured creditor(s)
- ☐ Tax returns missing
 - ☐ State - years
 - ☐ Federal - years

Pending/Items/ Documents:

- ☐ DSO Recipient's Information
- ☐ Evidence of being current with DSO
- ☐ Evidence of income

- ☐ Monthly reports for the months
- ☐ Public Liability Insurance
 - ☐ Premises
 - ☐ Vehicle(s):
 - ☐ Licenses issued by:

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Trustee's objection to confirmation

- ☐ Objection to Confirmation
☐ Oral objection by creditor

ACP: 5

Household size: 4

Disp. Income under 1325(b)(2): To be determined.

At 12:10 pm SECURITY OFFICER O. LOPEZ TELLS US THAT ATTORNEY CALLED INDICATING HE WAS ENTERING OSJ AREA, BUT DID NOT SPECIFY WHERE. HAVING NO MORE CASES LEFT WE ADJOURNED. IF CASE SURVIVES MTD, WE WILL RE-SCHEDULE THE MEETING.

1. Debtor has failed to commence the plan payments as required by 11 USC 1326(a)(1).

NOTE: Court's approved that the first plan payment change to January 2020, however, no payments has been received yet. Also, this is part of the issues raised in Trustee Motion to Dismiss of 12-17-2019 in which debtor has not filed an answer.

2. FAILS DISPOSABLE INCOME TEST, §1325(b)(1)(B):

- a. Plan proposes payments of \$550.00, however, per Schedule "J" disposable income is \$561.00.
- b. SCMI Form 122C-2 has not been filed. Thus, commitment period cannot be determined. Also, this is part of the issues raised in Trustee Motion to Dismiss of 12-17-2019 in which debtor has not filed an answer.
- c. Income evidence missing: Child Support income.

3. FAILS LIQUIDATION VALUE TEST, §1325(a)(4):

- a. Schedule A/B line 1.3 discloses an interest over a property in the amount of \$ 115,000.00, however, does not disclose a description of property and where is located property. Does debtor owns another real property?

Liquidation value cannot be determined until this issue be addressed.

- b. There is a preliminary liquidation value of \$8,700.00 with a present value of \$10,092.00 that plan does not comply since even not considering priority debts listed for student loan the plan only distribute \$2,074.51

5. OTHER:

- a. Voluntary petition item #5 needs to be corrected since municipality in postal address reads "Yacuo" instead of "Yauco".
- b. Schedule E/F disclose two students loan with a priority portion for which plan does not provide. Debtor is asked to inform why part of this debts were listed as priority.
- c. Part 4.3 of the plan disclose that attorney fees is by Fee Application of which debtor already paid \$500.00 and

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\$2,500.00 will be paid through the plan, however, per disclosure of compensation is in a flat fee basis in which debtor already paid \$500.00 and \$3,500.00 will be paid through the plan. Debtor needs to clarify discrepancy and amend accordingly.

d. Popular Auto filed objection to confirmation since plan does not provide adequate protection payments for it's collateral.

e. Part 4.6 of the plan does not provide insurance for Popular Auto collateral. Per claim 1-1 by creditor maturity date is 04-16-2022 and by said date the debt has not been paid in full. Also, insurance quote has not been provided.

NOTE: Preliminary liquidation value since debtor did not use available exemptions pursuant 522 (d)(3) and 522 (d)(4) over household goods, electronics and jewelry.

The following party(ies) object(s) confirmation:

s/Alejandro Oliveras

Date: 01/30/2020

Trustee/Presiding Officer

(Rev. 05/13)